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ABSTRACT

The Progress Report series is intended to convey to the public a sense of the steps Hampshire College has taken since its opening in September 1970. The reports represent progress on programs planned in specific areas of concern, such as this first one on employment by faculty contract. The progression of the steps illustrates the ongoing creation of a high quality college, using the most promising ideas to redefine the nature of liberal arts education. The origins and policy of the faculty contract are described. Faculty appointments and reappointments are made for specified terms of three to seven years, the first contract generally being for three or four years. The process assumes an open file into which evaluative material is placed by the faculty member under review and all other persons who choose to comment. The College-Wide Committee of Faculty Reappointments has the power of recommendation to the President. The responsibility for presentation of the file itself to the College-wide Committee rests at the school level with the school dean. The Associate Dean of Faculty, by delegation from the Dean of the College, is advisory to the process. Methods of assessment and evaluation of the procedure itself are discussed. (LBH)

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# Hampshire College

## PROGRESS REPORT

HE 007 869

*The Progress Report series is intended to convey to the public a sense of the steps Hampshire College has taken since its opening in September 1970. The Reports represent progress on programs planned in specific areas of concern. They do not attempt final portraits. But the progression of such steps is clear: the ongoing creation of a high quality college, using the most promising ideas to redefine the nature of liberal arts education.*

REPORT #1

# EMPLOYMENT BY FACULTY CONTRACT

by
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Vice President

October 1975

Amherst, Massachusetts 01002

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## EMPLOYMENT BY FACULTY CONTRACT

> "Officers of instruction shall serve at the pleasure of the Board of Trustees, or for a limited term as stated in the letter or contract of appointment. The connection with Hampshire College of each officer of instruction appointed for a limited term shall cease at the expiration of his term, unless he is reappointed."
>
> *Hampshire College Bylaws, Article VIII*

### *Origins*

In 1968, two years after Hampshire College's incorporation, a core administration of seven persons had been formed. During that year much important planning took place. In the course of one meeting with the Board of Trustees the subject of faculty tenure arose, and the Deans of Hampshire's Schools suggested that the College should experiment with the appointment of faculty on a renewable contract basis with separate provisions for protection of academic freedom, rather than adopt in full the American Association of University Professors 1940 Statement on Academic Freedom and Tenure. Debate followed, and the Board of Trustees, which included the Presidents of Hampshire's four sponsoring institutions, responded positively to the suggestion.

From that point, the College's planners began to devise a means by which faculty employment by contract could be instituted. Such a departure from the norm of the profession obviously raised a number of questions. A meeting was arranged with a legal representative of the proper consultative body, the American Association of University Professors. Extensive conversation was held regarding the advantages and disadvantages of a faculty contract system. The AAUP representative pointed out that the contract system was not new to American higher education, although it was quite uncommon in four year private liberal arts colleges. Textile schools, schools of art, and various other advanced professional training institutions had used contract systems for some time. Therefore, many of the advantages and disadvantages of the system had already been revealed.

One limitation of the contract system mentioned at the time was the tendency to retain marginally satisfactory faculty members rather than terminate them because of the temptation to grant them "one more opportunity" in the form of a short-term renewal. It was suggested that under a tenure system, where the stakes are much higher, such people would ordinarily not be continued. A clear implication of that warning was that a contract system could expose an institution to drift toward mediocrity in the quality of its faculty.

Interestingly enough, in the consultations with Hampshire College officials, there was not expressed by the AAUP representative any major concern about the ability of the institution to guarantee academic freedom. The position taken was that the preservation of academic freedom is a matter of tradition and culture, strongly upheld and practiced by the

institutions in the Five College area, and that there was every reason to believe that Hampshire College could combine adequate protection for academic freedom with a faculty contract system.

The chief feature of the contract system proposed for Hampshire College was the concept of renewal by proposal. The College required faculty candidates to submit detailed proposals describing what they intended to teach and accomplish during the term of their initial contract. It was hoped that each contract review period would generate similar proposals which would provide for periodic review of accomplishment and restatement of objectives, thus maintaining an atmosphere of experimentation and innovation. Many Hampshire faculty formerly had had experience with a tenure system and were dismayed by the tendency of many tenured teachers to drift away from their colleagues and students with little or no incentive for counteraction available; thus this notion of review, restatement and renewal seemed very appealing.

A second compelling dimension to the contract system was its potential stimulation of faculty career development. It might well provide an incentive to faculty looking forward to renewal to be more explicit in planning their professional development than if they were securely employed without term.

Finally, an intimate connection was posited between the maintenance of Hampshire College as an experimenting institution and the contract system. The history of new and innovative institutions strongly suggested that, with the settling in of permanent faculty, the spirit of innovation is often lost. It was especially appealing, therefore, to test the contract system as a device for maintaining vitality and a spirit of renewal among the faculty.

In the fall of 1969 a core group of founding faculty was assembled for a year-long planning period prior to the opening of the College in 1970. High on the agenda of this group was the creation of a governance system for the College. It was the sense of the group that Hampshire's aspirations for community participation would be best met by adopting a constitutional document which would be ratified by the faculty, students, staff, and Board of Trustees, and which would provide for participation by all constituencies in the governance system.

In 1969 this differed significantly from the then common practice of separately organized constituencies. A critical feature of the decision to adopt a constitutional model was the position taken by faculty members that the powers granted to them by the bylaws of the Board of Trustees should be exercised through a representative body, to be known as the Academic Council, which would be composed of the entire faculty and representatives from the student body and College staff. The willingness of the faculty to delegate their powers to a composite body led to the conclusion that the regulations for appointment and reappointment of the faculty would be included in the Constitution itself. Therefore, from the outset, the appointment and reappointment practices, as well as the statement on

academic freedom, were ratified by the representative body of the entire Hampshire College community. It is from this perspective that the statement of appointment and reappointment adopted in 1970 should be read.

***The Policy***

The major provisions of the policy can be summarized quickly. First, faculty appointments and reappointments are made for specified terms of three to seven years, the first contract generally being for three or four years. Second, the process assumes an open file into which evaluative material is placed by the faculty member under review and all other persons who choose to comment. Third, the College-wide Committee of Faculty Reappointments has the power of recommendation to the President. The responsibility for presentation of the file itself to the College-wide Committee rests at the School level with the School Dean. The Associate Dean of Faculty, by delegation from the Dean of the College, is advisory to the process.

The simplest way to become acquainted with the system is to review the order in which a request for reappointment proceeds. Early in the fall, twenty months before the termination of the contract, the Dean of the College notifies the faculty member that under the provision of the College Constitution, reappointment review for that individual will begin on or about November 1, should that individual elect to stand for reappointment. The letter contains instruction for preparing a request for reappointment, detailing the references needed, and urging the individual to submit statements reflecting College participation and accomplishments during the contract period under review, and proposing activity throughout the next contract period.

The School Dean is notified by the Dean of the College that the process has begun and a statement of that fact is published in the College newspaper and announced to the entire community. Information from faculty colleagues, deans, administrators, students, and other self-nominated writers is then accumulated in the reappointment file. The file is available for review by all members of the candidate's respective School(s) (including elected students with voting privileges) to help them in casting their ballot. The four Schools carry out the voting process independently, and the procedures are not uniform. (We shall return to the differences among the Schools and the implications of this fact subsequently.) After the vote has been taken, the School Dean prepares a recommendation to the file which includes both the statement of the vote and his/her personal assessment of the case.

The complete file, with the School Dean's recommendation, is then forwarded directly to the College Committee on Faculty Reappointments and Promotions. This is a standing committee whose membership is composed of five faculty members elected for a two year term and two students elected for a one year term. The Associate Dean of Faculty sits as an *ex-officio* member of that Committee. At this point additional information from the Dean of the College is added to the file for the Committee's consideration. At all times the file is open

to the candidate, who is free to add additional material in support or rebuttal of material appearing in the file.

The College Committee on Faculty Reappointments sits for approximately one month, during the January Term, and works against a deadline by which it must notify the President of its recommendation. As a part of their deliberations, they may or may not consult with the candidate. Usually if there are unresolved questions, a sub-committee of two or three persons is dispatched to consult with the candidate for clarification.

The President must receive the recommendations so that the stated timetables of notification can be met and the individual given notice of the outcome not later than seventeen months prior to the end of the contract.

The President reviews the files and arrives at his decision. He then returns to the Committee and consults with them about his intentions for one last round of possible negotiation in the event of a difference between himself and the Committee. After such consultation the President makes the final decision, and the letters of notification are then drafted and the candidate informed of the outcome. The entire process runs from approximately November 1st to February 1st.

In summary, the reappointment process attempts to be wholly open and public with regard to information about the candidate. Confidential information may not be sent to the School Dean; likewise the College-wide Committee on Faculty Reappointments has elected to refuse confidential statements during recent years. Only the President receives confidential information, and that information is not at any time entered into the file itself.

A unique feature of the system is the opportunity for comment by any member of the College community. The fact that no comments may be designated confidential and all must be signed is a second important condition. A third important feature of the system is reflected in the permutations of recommendation that become possible. For example, since recommendations are made at four points — in the School vote, by the School Dean, by the College-wide Committee, and finally by the President — the number of possible disagreement patterns is considerable. Finally, School votes are by secret ballot or an unrecorded show of hands. Thus, despite the provision for openness of comment, the voting pattern itself at the School level is essentially secret.

***Assessment***

A variety of objectives and aspirations are represented in Hampshire's reappointment system. First, it is hoped and intended that persons facing this type of evaluation will be made sensitive to the several standards of performance which must be met. To this end, faculty members are required to have an annual year end conversation with their School Dean, to file a statement of self-evaluation which may then be a source of information at reappointment time if they wish to use it, and to seek information about their performance long before reappointment time appears.

Second, much of the comment that appears in the file carries with it the implication of need for improvement. Constructive criticism which contributes to the growth of professional skills of the faculty member may be provided under this system. At the same time the requirement for openness places a heavy burden on the Reappointment Committee itself to clarify and state unequivocally the criteria being used in passing reappointment judgments. This process is admittedly new to most participants, and forces an effort throughout the community to arrive at a set of uniform standards which reflect the aspirations of the College for its faculty.

Third, the concept of a limited term contract prompts the expectation that faculty members who come to Hampshire early in their careers will be encouraged to think in developmental terms about their careers and channel their energies and skills accordingly.

Viewed from such a perspective, it follows naturally that one of the benefits of a term contract is the opportunity to seek a new position at another institution when the individual feels ready and prepared to make such a change. For example, after teaching for several years at an undergraduate liberal arts institution young faculty members may conclude that they would then like to move to a graduate university department. Others, having achieved a high level of skill as teachers, might become interested in academic administration. Still others may wish to now focus their energies on special scholarly pursuits not available at a liberal arts college which require their moving to those departments and institutions with such specialties. The contract system encourages the faculty member to be foresighted about career development.

All social systems have unexpected consequences and outcomes, some of which are clearly negative. Just as it is possible to detail the aspirations of the system, so it is important to detail the limitations of the system to date.

First, the existence of an open file, with input from an unlimited number and range of sources, can produce a genuine fear and an inhibition against participation in the system. Thus some people may refuse to write anything to anyone's file and may be quite cautious in their voting behavior out of a sense that they will in time be subject to possible retaliation should they provide negative comment on someone who may be reappointed and later sit in judgment on them. This may produce a situation where a file is predominantly composed of praise, however faint, while the vote shows negative judgments. The School Dean may be well aware of serious reservations held about a candidate, but search in vain for an expression of them in the file material itself.

Second, the broad consensus which surrounds the standards of judgment has been viewed by some candidates as highly irrelevant to good teaching and good scholarship. The democratization of standards is regarded by some as a coercion imposing on them an obligation for social participation and political cultivation which is wholly unrelated to their major task as teachers. Such standards or expectations may be interpreted in various lights, and polarization of politically or socially active groups may result.

Third, some persons, having a high degree of respect for professionalism, have been reluctant to pass a judgment on the scholarly qualifications of an individual in a discipline in which they have no competence and have relied too heavily on the judgment of the candidate's fellow disciplinarians. Thus a candidate's immediate disciplinary colleagues may unduly influence the voting. In those cases with an honest difference of opinion among the members of a discipline, we have seen the glimmer of a genuine and insidious threat of violation of academic freedom of the worst kind: a candidate finding his/her teaching career threatened because of respectable intellectual differences of opinion with disciplinary colleagues.

Finally, the very commitment to openness and extensive comment creates serious logistical problems of paper flow. The writing of an opinion ". . . to the file" becomes a burdensome chore which many faculty do not learn to accept as an important professional skill which must be mastered.

***Performance***

Since granting the first group of faculty contracts in 1969, we have passed through the annual reappointment process five times. The table below provides the break-down of the disposition of those persons employed at Hampshire College under the contract system since that time.

HISTORY OF THE HAMPSHIRE COLLEGE
CONTRACT SYSTEM TO DATE

| Academic Year | Number Reviewed for Contract Renewal | Number Recommended for Reappointment | Number Not Recommended* | Number of Students Enrolled | Number of Faculty | Actual FTE |
|---|---|---|---|---|---|---|
| 1970-71 | 9 | 8 | 1 | 249 | 46 | 30.25 |
| 1971-72 | 24 | 23 | 1 | 645 | 69 | 49.08 |
| 1972-73 | 16 | 15 | 1 | 998 | 91 | 63.75 |
| 1973-74 | 10 | 8 | 2 | 1252 | 120 | 86.0 |
| 1974-75 | 16** | 13 | 3 | 1318 | 116 | 87.18 |

*To date persons not recommended have been two Associate Professors and six Assistant Professors.
**Two more persons decided to not stand for review.

No comparative data from a tenured five year old institution is at hand. The rate of attrition at this point, 1.8 per year, is clearly low. For a tenure system rough calculations suggest that a college of Hampshire's size would annually deny tenure to 5.5 persons per year. As Hampshire's faculty matures it seems probable that reappointment standards will become clearer, probably more demanding, and new faculty will be encouraged to consider the second contract as terminal. Assuming these developments, the attrition rate could double, to 3.5, which does not match the tenure system. The consequence of such a rate is fewer new faces each year, with greater emphasis on internal faculty development.

The preliminary figures suggest some of the following conclusions from Hampshire's experience with a contract system:

- Employment by contract at Hampshire has resulted in a low turnover and hence offers fewer prospects of employment to young faculty members seeking appointment at Hampshire.
- Employment by contract is probably better than the tenure system vis-a-vis retention prospects of young faculty members in their first position.
- Employment by contract does not seem to have lessened the long term employment prospects of senior faculty.
- Employment by contract has not yet been tested for its relationship to the security of academic freedom.

The academic freedom issue under the conditions of contract may produce somewhat more complex viewpoints by various members of the community. For example, it may be argued, and has been, that to deny reappointment on professional grounds is to deny academic freedom. The argument essentially takes the following form: that persons who must constantly bear in mind the necessity of creating a strong file for reappointment soon become increasingly sensitive to the normative expectations of peers and administrators alike.

Coupled with the attention paid to student opinion, these three sources of assessment may prove especially deleterious to that eccentric, non-conformist, independently minded individual whose life style and academic profession are wholly integrated. Therefore, the denial of reappointment on professional grounds can be interpreted as merely a device for rationalizing the unacceptability of nonconformist academic attitudes. Thus, while the individual with tenure is free to stand wholly opposed to all of the communities with whom he or she must interact and serve, a person under contract is denied this opportunity by virtue of the fact of periodic renewal.

A second challenge to be made to the contract system comes from the vulnerability of the individual who finds that the college's professional demands prove inappropriate. For example, faculty members are required to file written evaluations of examinations and are expected to comply with students' requests for course evaluations. An individual who finds such an obligation onerous, unintelligible, or personally obnoxious may discover that the failure to discharge this obligation can lead to non-reappointment. Since any particular college regulation is presumably subject to change in time, the individual is exposed to the danger that the threat of reappointment is due to something which may appear to be capricious, or, if not capricious, at least incidental rather than fundamental to the discharge of his or her professional duties.

Outside observers of the contract system often assert that the heavy work load borne by Hampshire College faculty, judged to be at least partially a consequence of faculty's attentiveness to the demands of the reappointment process, is detrimental to the professional development and scholarly growth of the College's teaching staff.

Given the expectation that Hampshire faculty will eventually move on to teaching responsibilities at other institutions and that in order to compete effectively in the teaching market they must have currency among their peers at other institutions, the College believes that it has a special responsibility to provide incentives and opportunities for its faculty to pursue their scholarly interests.

In accord with its view that periodic relief from faculty responsibilities is a necessity rather than a privilege or right, Hampshire had adopted a generous sabbatical leave policy; regular faculty members with at least half-time teaching responsibilities are eligible for one semester of leave at full pay after serving two years of their contract. In addition, newly hired faculty with five years on continuous (unbroken by leaves) teaching service at their former institution may apply for sabbatical leave after one year of teaching at Hampshire. Subsequently faculty are eligible for leave again after two more years of teaching under their contract, although no more than one full year of paid leave may be taken in ten years.

In practice, because approval of requests for sabbatical leave is contingent upon such considerations as sufficient faculty staffing in certain disciplines during the leave period and one's reappointment review year, faculty may take sabbatical leave during the third, fourth, or fifth year of their contract. Unpaid leave requests are considered upon their merits, and, when granted, the teacher's contract is held in suspension.

Approximately one-fifth of the Hampshire College faculty can be expected to take sabbatical or leave during any given year. Faculty generally devote themselves to the usual scholarly pursuits of research and writing during their period of leave, some completing their doctoral dissertations; and it is during this break from teaching that the products of scholarship often reach fruition. It must be noted, however, that many Hampshire faculty integrate their research activities with curriculum development during their leave from the College. Faculty research may provide resources for subsequent student projects; faculty and students may link their research endeavors; courses may be developed from one's current research, or research may be undertaken for the expressed purpose of designing new learning activities. Obviously many Hampshire faculty are unable to segregate personal scholarship from teaching.

It is false to conclude, however, that Hampshire faculty forego scholarly activity between periods of leave. The very nature of the academic program at Hampshire allows faculty the flexibility to introduce new courses and other learning activities from semester to semester which reflect their scholarly expertise as well as their well-developed, though perhaps not credentialled, interests. The individualized nature of the educational program, which heavily emphasizes the development of research skills by students, enables faculty and

students to collaborate on scholarly projects. This holds true especially in the sciences, and nearly half of the Hampshire faculty associated with the School of Natural Science has received publication recognition since joining the Hampshire faculty. A quarter of the social scientists and fewer humanitists have also had work published since receiving appointment at Hampshire, and a number are actively working on books which require many years of effort.

It is the artists, musicians, and dramatists who feel that their creativity is most acutely curtailed by the contract system and thus their productivity often must be postponed until a leave is granted. A number of the College's faculty had established a reputation for scholarship in their field before coming to Hampshire and thus continue to be in demand as consultants or contributors to the work of professional organizations.

On the positive side, it may be noted that with initial contracts of four years and a usual expectation of a second contract of five, the young faculty member who is reasonably successful is assured both nine years of employment and full protection of his or her academic freedoms during that time. This feature of the contract system contrasts somewhat sharply with that of the tenure system where it is repeatedly alleged that persons who do not yet hold tenure are more exposed to violations of their academic freedom. Nine years is a long time to be given to learn one's craft as a teacher, clarify one's focus as a scholar in the post-thesis period, or focus one's intellectual interests as the thesis is brought to fruition. Indeed, it is enough time to provide most young persons with an opportunity to cast an eye forward and begin to consider more profound questions of personal career development.

The charge of contemporaneity is a valid one and can be turned to a positive assertion in the eyes of some. Renewal by contract insists that the scholar remain constantly vigilant about the ever changing cultural ethos that appears in his classes in the form of the latest first-year cohort of students. An individual who is aware that it is expected that the subject matter will be addressed to these young people is much less prone to drift further and further away from the succeeding generations of students.

In actual practice we have experienced all of the above conditions. Given the dependence of the system on individual initiative and effort, it is not surprising to find continued variation in practice. Each of Hampshire's four Schools, for example, conducts the assessment and balloting process in a somewhat different way. This, in turn, produces files of variable length and completeness, as well as participation and openness. The sheer logistical requirements of the system are difficult to meet with a high degree of reliability. In general the message from the folders ranges from predominantly negative in some cases to predominantly positive in others; evenly divided opinions are rare. The predominantly positive folders range from faintly to highly laudatory.

Although the contents of the file are expected to be anticipatory as well as reflective in nature, the original emphasis on the proposal element of reappointment has declined and

retrospective considerations have taken precedent in actual reappointment review. The School Deans are aware of this practice and wish to begin to emphasize the candidate's proposals and potential individuality and flexibility of contracts so that reappointment takes on a forward-looking dimension as well as an evaluative one.

A few people have chosen not to stand for reappointment and serve out their final year of contract with the knowledge that they will not be continuing. The pattern of behavior here seems neither better nor worse than that experienced with individuals in the tenure system who have been denied tenure. Career planning has begun to emerge as a conscious concern by some of the second contract faculty at the Assistant Professor level. Systematic leave-taking and sabbatical leaves are now emerging as part of the search and exploration strategy, as well as requests for specific types of endorsement and referral from the senior administrators of the College.

Initial inquiries to the AAUP produced a rather sharp rebuff from the national headquarters to those who inquired about the steps necessary to start a chapter. Subsequently, faculty have been encouraged by the AAUP to initiate a chapter, and efforts continue toward that end. The primary vehicle for expression of faculty opinion about issues bearing on conditions of employment is an informal caucus which meets periodically to discuss issues which faculty members place upon the agenda. As of July, 1975, the system of employment by contract for the faculty of Hampshire College has been in service since 1970, and appears, at this writing, to have the endorsement of faculty, students, and administration.

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